

**ASSEMBLY BILL**

**No. 1426**

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**Introduced by Assembly Member Liu**

February 22, 2005

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An act to amend Section 597u of, and to repeal Section 597w of, the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1426, as introduced, Liu. Animal euthanasia.

Existing law makes it a crime to engage in acts of animal abuse, as specified. Existing law makes it a misdemeanor to kill any animal by the use of carbon monoxide gas or to kill any dog or cat by the use of any high-altitude decompression chamber or nitrogen gas.

This bill would revise the above provisions to instead make it a misdemeanor to kill any animal by the above measures or by the use of intracardiac administration of euthanasia on a conscious animal, unless the animal may first be rendered unconscious in a humane manner or unless, in light of all the relevant circumstances, the procedure is justifiable. By creating new crimes, this bill would impose a state-mandated program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 597u of the Penal Code is amended to read:

597u. (a) No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any animal by ~~the use of carbon monoxide gas~~ using any of the following methods:

(1) Carbon monoxide gas.

(2) High-altitude decompression chamber.

(3) Nitrogen gas.

(4) Intracardiac administration of euthanasia on a conscious animal, unless the animal may first be rendered unconscious in a humane manner or unless, in light of all the relevant circumstances, the procedure is justifiable.

(b) This section shall become operative on January 1, 2000.

SEC. 2. Section 597w of the Penal Code is repealed.

~~597w. No person, peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall kill any dog or cat by the use of any high-altitude decompression chamber or nitrogen gas.~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.